

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-cv-00163-RJC-DCK

DARRYL EVANS-DIXON,)	
)	
Plaintiff,)	
)	
v.)	
)	<u>ORDER</u>
MRL PLUMBING, LLC and PATTY)	
LOBDELL,)	
)	
Defendants.)	
)	
)	

THIS MATTER comes before the Court on Plaintiff's Motion for Default Judgment in the amount of \$18,599.56, (Doc. No. 13), and the associated briefs and exhibits. After Entry of Default, Defendant Lobdell filed for bankruptcy in the District Court of South Carolina. That court sustained Plaintiff's objection to discharge of the claims in this action in bankruptcy and entered a default judgment in that court against Lobdell. That Default Judgment is incorporated here against both Defendants and is comprised of the following:

- (i) **\$5,800** cumulatively for daily fines of \$100 under 29 U.S.C. §§ 1021(d)(1), 1132(c)(3) from November 30, 2016 to January 27, 2017 for failure to provide notice of non-payment of group health insurance premiums;
- (ii) **\$1,718.78** for thirteen (13) insurance premiums deducted unlawfully under the NC Wage and Hour Act, N.C.G.S. §§ 95-25.22(a) and 95-

- 25.8(a), and unlawfully under ERISA, 29 U.S.C. §§ 1109; 1132(a)(2), in the total amount of \$1550.25, plus interest of \$168.53 accrued at 8.00% per annum from the date of each unlawfully withheld amount under N.C.G.S. § 95-25.22(a);
- (iii) liquidated damages of **\$1,718.78** under N.C.G.S. § 95-25.22(a1); and
- (iv) attorneys' fees and costs in the amount of **\$9,362.00** under 29 U.S.C. §1132(g) and N.C.G.S. § 95-25.22(d).

IT IS THEREFORE ORDERED THAT the Court enter Default Judgment against MRL Plumbing, LLC and Patty Lobdell, jointly and severally, in the amount of **\$18,599.56**. If either Default Judgment, in this Court or Bankruptcy Court, is satisfied, then that will satisfy both judgments.

SO ORDERED.

Signed: April 24, 2019



Robert J. Conrad, Jr.
United States District Judge
